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Case Number 08-78

IN THE
SUPREME COURT OF THE UNITED STATES

KEITH ALLISON, PRO SE, JACKLIN ALLISON, PRO SE, ET AL. – PETITIONERS

VS

WASHINGTON DENTURIST ASSOCIATION, ET AL, - RESPONDENTS

APPENDIX – Y

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COMES NOW THE PETITIONERS for the purpose of submitting to the Justices of The U.S. Supreme Court, a News Release from the Pacific Legal Foundation dated 16 September 2008. The headline states, "California Pest Control Licensing Law Struck Down For Restricting Economic Liberty."

Sacramento, CA; September 16, 2008: In a decision with nationwide implications, the Ninth U.S. Circuit Court of Appeals today struck down a California law regulating pest control workers because it unfairly limited the economic freedom of start-up businesses in order to protect the economic interests of existing companies. Such special interest legislation, the court declared, is unconstitutional.

"This is a victory for free enterprise and for the Constitution's safeguards for entrepreneurship," said Pacific Legal Foundation attorney Timothy Sandefur. Sandefur and other PLF attorneys represented San Mateo businessman Alan Merrifield, in challenging the licensing law.

Merrifield's company, Urban Wildlife Management, uses mechanical devices like spikes and screens to keep birds, mice, and other pests away from buildings. He challenged the licensing law because it required him to train in handling pesticides, and take an exam on chemicals and insects, even though he does not use pesticides and does not treat insect infestations.

PLF attorneys filed the case in 2004, arguing that the law violated the Constitution's Due Process Clause, which requires economic regulations to meet certain standards of rationality.

Overruling a trial court decision against Merrifield, the Ninth Circuit held that **there is no rational justification for the restrictions on Merrifield's economic freedom. The licensing law, explained Judge Diarmud O'Scannlain in a 2-1 decision, "was designed to favor economically certain constituents at the expense of others similarly situated, such as**

**Merrifield." Wrote Judge O'Scannlain: "[E]conomic protectionism for its own sake, regardless of its relation to the common good, cannot be said to be in the furtherance of a legitimate governmental interest** (emphasis added)."

"This law was designed with a single purpose in mind," said PLF attorney Sandefur. "It was designed by the pest control companies to limit competition from entrepreneurs like Alan Merrifield. In order to deter start-ups like Merrifield's, the law required him to learn information he would never use, and did not test him on information he does use," Sandefur continued.

"This ruling vindicates a fundamental constitutional right, the right to earn a living," Sandefur said. "Unfortunately, courts have turned a cold shoulder on that right for decades now. It's refreshing to see judges taking this right seriously again."

The case is Merrifield v. Lockyer. A link to the ruling may be found at Pacific legal Foundation's Web site.

The case of Merrifield v. Lockyer is in precise alignment with the Petitioners/Plaintiff's arguments as stated in U.S. Supreme Court Case Number 08-78. In short, the Petitioners/Plaintiff's fundamental rights to earn a living have been egregiously violated for no better reason than to further enhance the economic interests of the Respondent's/Defendant's.